

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ELISBET TAMAYO GARCIA,

Plaintiff,

v.

Case No. 2:20-cv-476-JLB-NPM

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

The Magistrate Judge filed a Report and Recommendation (“R&R”) on June 29, 2021, recommending that Plaintiff Elisbet Tamayo Garcia’s unopposed motion for attorney’s fees (Doc. 31) under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412(d), be granted in part and denied in part. (Doc. 32.) A district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of objections, a district judge is not required to review the factual findings in the report de novo, but legal conclusions are reviewed de novo even without an objection. Id.; Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). After an independent review of the record—and noting that no objection has been filed—the Court agrees with the R&R.


Accordingly, it is **ORDERED**:

1. The R&R (Doc. 32) is **ADOPTED** and Ms. Garcia’s unopposed motion for fees under the EAJA (Doc. 31) is **GRANTED IN PART** and

**DENIED IN PART.** The Court awards Ms. Garcia **\$8,398.75** under the EAJA. 28 U.S.C. § 2412(d). The motion is **DENIED** to the extent it seeks any greater or different relief.

2. If the United States Department of the Treasury determines that Ms. Garcia does not owe a federal debt, the Government will accept her assignment of EAJA fees and pay fees directly to Ms. Garcia's counsel.
3. The Clerk is directed to enter a judgment as to attorney's fees in the amount of **\$8,398.75** under the EAJA. 28 U.S.C. § 2412(d).

**ORDERED** in Fort Myers, Florida, on July 21, 2021.

  
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**JOHN L. BADALAMENTI**  
UNITED STATES DISTRICT JUDGE